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TITLE 71 INDIANA HORSE RACING COMMISSION

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Emergency Rule  
LSA Document #23-297(E)

## DIGEST

Amends [71 IAC 5.5-1-16](#) regarding license restrictions, limitations, and conditions. Amends [71 IAC 6.5-1-1](#) regarding general provisions. Amends [71 IAC 7-3-7](#) regarding driving rules. Amends [71 IAC 7-3-15](#) regarding hobbles and head pole restrictions. Amends [71 IAC 7.5-2-2](#) regarding scratches. Amends [71 IAC 7.5-6-1](#) regarding equipment. Amends [71 IAC 7.5-6-5](#) regarding post to finish. Amends [71 IAC 8-1-1.5](#) regarding medication. Amends [71 IAC 8-1-7.1](#) regarding multiple medication violations. Amends [71 IAC 8-6-2](#) regarding prohibited practices. Amends [71 IAC 8.5-1-1.5](#) regarding medication. Amends [71 IAC 8.5-1-7.1](#) regarding multiple medication violations. Amends [71 IAC 8.5-5-2](#) regarding prohibited practices. Amends [71 IAC 14.5-3-2](#) regarding breeder award. Effective April 20, 2023.

[71 IAC 5.5-1-16](#); [71 IAC 6.5-1-1](#); [71 IAC 7-3-7](#); [71 IAC 7-3-15](#); [71 IAC 7.5-2-2](#); [71 IAC 7.5-6-1](#); [71 IAC 7.5-6-5](#); [71 IAC 8-1-1.5](#); [71 IAC 8-1-7.1](#); [71 IAC 8-6-2](#); [71 IAC 8.5-1-1.5](#); [71 IAC 8.5-1-7.1](#); [71 IAC 8.5-5-2](#); [71 IAC 14.5-3-2](#)

SECTION 1. [71 IAC 5.5-1-16](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5.5-1-16](#) License restrictions, limitations, and conditions**

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 16. (a) The commission or its designee, for cause, may restrict, limit, or place conditions, including probationary status, on any license at the time of issuance.

(b) No person, unless currently licensed and in good standing as a jockey, exercise rider, pony person, trainer, assistant trainer, or outrider, may be mounted on horseback while on association grounds. The stewards, with good cause and in consultation with the outrider, may grant temporary and limited exemptions to this subsection for specific individuals. Such an exemption shall be in writing and clearly identify the individual and the dates and times during which the exemption is valid.

(Indiana Horse Racing Commission; [71 IAC 5.5-1-16](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Oct 3, 2013, 2:08 p.m.: [20131009-IR-071130452ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 2. [71 IAC 6.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 6.5-1-1](#) General provisions**

Authority: [IC 4-31-6-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A person entering a horse in a claiming race warrants that the title to the horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind, unless before entering the horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for the horse.

(b) Every horse claimed shall race for the account of the owner at the time of entry, but title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the starting gate and is declared an official starter. If a horse suffers a fatality during the running of a race, or is euthanized on the racetrack following the race, any claim submitted on that horse will be declared void. If a claimed horse is vanned off the racetrack following the race (at the discretion of a commission approved veterinarian), that horse will be taken to the test

barn. The successful claimant or trainer may request the claim be voided by the stewards within one (1) hour of the official off time of the race, except that the claim shall not be declared void if the horse is vanned off the track due to an issue that is nonrelated to lameness as determined by the commission approved veterinarian. In the event the claim is voided by the stewards, the horse will be returned to the custody of the original owner. However, the successful claimant may request on the claim blank at the time the successful claimant makes the claim that the horse be tested for the presence of equine infectious anemia via a Coggins test or other test as approved by the official veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test shall be the responsibility of the successful claimant, unless the test proves positive, wherein the owner or owners of the horse at the time of entry shall be responsible.

**(c) All claimed horses shall go to the test barn for the collection of biological samples, and for observation by the racing veterinarian.**

**(d) A claim shall be voided, and ownership of the horse retained by the owner at the time of entry, if:**

- (1) the horse dies on the racetrack;**
- (2) the horse is euthanized before leaving the racetrack;**
- (3) the horse is vanned off the racetrack at the direction of the racing veterinarian;**
- (4) the racing veterinarian determines within one (1) hour of the race that the horse will be placed on the veterinarian's list as physically distressed, medically compromised, unsound, or lame before the horse is released to the successful claimant; and**
- (5) the biological samples collected confirm the presence of a prohibited substance.**

**(e) The claim shall not be voided if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the racing veterinarian determines that the horse will be placed on the veterinarian's list or the horse's biological samples confirm the presence of a prohibited substance.**

**(f)** An in-foal filly or mare shall be eligible to be entered into a claiming race only if all of the following conditions are fulfilled:

- (1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing secretary's office.
- (2) The stallion service certificate has been deposited with the racing secretary's office.
- (3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.
- (4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

**(g)** The stewards may set aside and order rescission of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 4 of this rule, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of this article. Should the stewards order a rescission of a claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate.

*(Indiana Horse Racing Commission; [71 IAC 6.5-1-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 11, 2020, 4:14 p.m.: [20201223-IR-071200625ERA](#); emergency rule filed Mar 3, 2022, 3:55 p.m.: [20220316-IR-071220070ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))*

SECTION 3. [71 IAC 7-3-7](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7-3-7](#) Driving rules**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 7. (a) A leading horse is not to be more than four (4) feet from the inside rail/pylons except after selecting

its position in the home stretch. Neither the driver of the first horse nor any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that, in altering the position, the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in or out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside or outside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act that shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in or out, or bear in or out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- (12) Maintaining a position of half in and half out or failing to make a reasonable effort to advance when pulling to the outside.
- (13) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed when there is no strategic reason to do so.
- (14) If any of the violations in this subsection are committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.
- (15) Drivers must set and maintain a pace comparable to the class in which the driver is racing or the horse's abilities.
- (16) Drivers at any point in the race after the start who use the outrider or starting gate to assist in getting control of their horse ~~may~~ **shall** be placed last by the judges.
- (17) Turn the horse abruptly after the finish of the race in order to return to the paddock or the barn area.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) If any horse loses a piece of equipment during a race and that equipment bothers another horse or horses, it may be considered interference by the horse responsible for the lost equipment pursuant to [71 IAC 5-3-3\(a\)\(19\)](#).

(d) In case of interference, collision, or violation of any of the restrictions in subsections (a), (b), and (c), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined or suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. An interference that occurs to a horse or horses not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still be penalized.

(e) If there is any purse money for which horses have started but were unable to finish due to interference or an accident, or both, all unoffending horses who did not finish will share equally in such purse money.

(f) A driver shall not:

- (1) fail to display competitive urging or cease driving while in contention in the home stretch;
- (2) race in an inconsistent manner;

- (3) drive in an unsatisfactory manner due to lack of effort;
- (4) drive in an unsatisfactory manner due to carelessness; or
- (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(g) If the judges determine that any of the actions in subsection (f) were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(h) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing.

- (i) A driver shall not fail to participate in the post parade at the prescribed time unless excused by the judges.

(Indiana Horse Racing Commission; [71 IAC 7-3-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2108; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#); emergency rule filed Mar 15, 2019, 2:42 p.m.: [20190320-IR-071190167ERA](#); errata filed Mar 29, 2019, 10:12 a.m.: [20190403-IR-071190167ACA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 5, 2019, 1:56 p.m.: [20191211-IR-071190646ERA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 4. [71 IAC 7-3-15](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 7-3-15](#) Hopples; head pole, restrictions**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 15. (a) The use of hopples from race to race shall be in the sole discretion of the trainer. ~~subject to receiving approval from the judges, and not precipitate qualifying the horse.~~ **However, any addition or subtraction of hopples shall require a successful attempt requalifying the horse.**

(b) The entry of the horse shall state whether such horse will use hopples or not. ~~Failure to include a change when entering the horse disallows any addition or subtraction of hopples for the race.~~ Every change in a horse's use of hopples must be included in the program.

- (c) No horse shall be permitted to wear a head pole protruding beyond its nose.

(Indiana Horse Racing Commission; [71 IAC 7-3-15](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

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SECTION 5. [71 IAC 7.5-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7.5-2-2](#) Scratches**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 2. (a) A scratch is the act of withdrawing an entered horse from a contest after the closing of entries.

(b) The scratch of a horse after closing shall be made by the owner, trainer, or their licensed designee with permission from the stewards.

(c) A horse may be scratched from a stakes race for any reason at any time up until forty-five (45) minutes prior to that race.

(d) No horse may be scratched from an overnight race without approval of the stewards.

(e) In overnight races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horses representing more than eight (8) betting interests in the daily double or exotic wagering races, or horses representing more than eight (8) betting interests in any other overnight race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(f) Entry of any horse which has been scratched or excused from starting by the stewards because of a physical disability or sickness shall not be accepted until the expiration of a minimum of five (5) calendar days after such horse was scratched or excused and the horse has been removed from the veterinarian's list by the official veterinarian.

(g) The stewards will review all cases in which a horse is drawn into the body of a race at a licensed facility under the jurisdiction of the commission, while appearing in the entries in another racing jurisdiction during the entry period in Indiana. For the purpose of this rule, the entry period begins ~~on the day~~ **when** the horse is entered in Indiana and ends at 11:59 p.m. on the day the horse is ~~entered~~ **scheduled** to race in Indiana. It shall be a violation of these rules for a licensee to scratch a horse in Indiana and race that horse in another jurisdiction during the entry period **and for five (5) calendar days thereafter**. Violations of this subsection, absent mitigating circumstances, shall be subject to a fine by the stewards. This subsection shall not apply to handicap and stake races, nor to horses on the also eligible list.

*(Indiana Horse Racing Commission; [71 IAC 7.5-2-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; errata filed Jun 20, 1996, 9:50 a.m.: 19 IR 3114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 15, 2019, 2:42 p.m.: [20190320-IR-071190167ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Mar 3, 2022, 3:55 p.m.: [20220316-IR-071220070ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))*

SECTION 6. [71 IAC 7.5-6-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7.5-6-1](#) Equipment**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) All riding crops are subject to inspection and approval by the stewards, **their designee**, and the clerk of scales.

(1) Riding crops shall ~~have shaft and flap~~ **be soft padded, with a shaft and a smooth foam cylinder**, and will be ~~allowed~~ **permitted** in flat racing including training, only as follows: **under the following conditions:**



- (A) maximum weight of eight (8) ounces;
- (B) maximum length, **including smooth foam cylinder**, of thirty (30) inches;
- (C) ~~maximum~~ **minimum shaft** diameter of the shaft of three-eighths (3/8) inch; and
- (D) shaft contact area must be smooth, with no protrusion or raised surface and covered by shock absorbing material that gives a compression factor of at least one (1) millimeter throughout its circumference; and
- (E) no binding within seven (7) inches of the end of the shaft.**

(2) The ~~flap~~ **smooth foam cylinder** is the only allowable attachment to the shaft and must meet these specifications:

- (A) **maximum** length beyond the end of the shaft ~~a maximum~~ of one (1) inch;
- (B) ~~width~~ a minimum **diameter** of eight-tenths (0.8) inch and a maximum **diameter** of one and six-tenths (1.6) inches;
- (C) no reinforcements or additions beyond the end of the shaft **or the soft foam cylinder**;
- (D) ~~no binding within seven (7) inches of the end of the shaft; and~~ **shall be made of shock absorbing material with a compression factor of at least five (5) millimeters throughout its circumference**;
- (E) ~~shock absorbing characteristics similar to those of the contact area of the shaft. shall be made of a~~ **waterproof, ultraviolet resistant, and chemical resistant foam material that is durable and preserves its shock absorption during use under all conditions; and**
- (F) shall be replaced after reasonable wear and tear is visibly evident.**

(b) No bridle shall exceed two (2) pounds.

(c) A horse's tongue may be tied down with clean bandages, gauze, or a tongue strap.

(d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter and the stewards. Any request for such a change must be stated at entry. Blinkers and cheek pieces may not be used at the same time.

(e) The use of Gelocast or like materials, or both, as a racing bandage or the use of Gelocast or like materials, or both, in conjunction with traditional materials to form a racing bandage is prohibited.

(f) Any nontraditional material incorporated into a racing bandage must be approved by the official veterinarian, or his or her designee.

*(Indiana Horse Racing Commission; [71 IAC 7.5-6-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 15, 2019, 2:42 p.m.: [20190320-IR-071190167ERA](#); errata filed Mar 29, 2019, 10:12 a.m.: [20190403-IR-071190167ACA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))*

SECTION 7. [71 IAC 7.5-6-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 7.5-6-5](#) Post to finish**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 5. (a) The following shall apply to starting the race:

- (1) The starter is responsible for assuring that each participant receives a fair start.
- (2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction, or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare the horse a nonstarter.
- (3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left

when the field is dispatched by the starter, the horse shall be declared a nonstarter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one (1) or more pari-mutuel pools, or declare a no contest and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

(b) The following shall apply to interference, jostling, or striking during the race:

(1) A jockey shall not ride carelessly or willfully so as to permit the jockey's mount to interfere with, impede, or intimidate any other horse in the race.

(2) No jockey shall carelessly or willfully jostle, strike, or touch another jockey or another jockey's horse or equipment.

(3) No jockey shall unnecessarily cause the jockey's horse to shorten its stride so as to give the appearance of having suffered a foul.

(c) The following shall apply to maintaining a straight course during the race:

(1) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it may be a foul.

(2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding.

(3) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.

(4) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, and it may result in the disqualification of the offending horse.

(d) The following shall apply to disqualifications during the race:

(1) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(2) If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

(3) When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one one-hundredth (1/100) of one (1) second penalty, or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.

(4) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer, or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.

(5) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(e) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

**(f) A jockey or exercise rider who uses a riding crop during a race or workout shall do so only in a professional manner consistent with maintaining focus and concentration of the horse for safety of horses and riders, or for encouragement to achieve optimal performance. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of the association, whether in a race or otherwise.** The following shall also apply: ~~to use of riding crops during the race:~~

~~(1) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his/her best efforts to win. A rider may:~~

**(A) use the crop on the hindquarters to activate and focus the horse. When the crop is used, a rider shall allow the horse a chance to respond before using the crop again. At the beginning of each race meeting, the stewards will define the maximum total number of strikes permitted, the maximum number of successive strikes permitted before giving the horse a chance to respond, and the number of strides that constitute a chance to respond;**

**(B) tap the horse on the shoulder with the crop while both hands are holding on to the reins and**

both hands are touching the horse's neck;

(C) show or wave the crop to the horse without physically contacting the horse; and

(D) use the crop to preserve the safety of horses and riders.

~~(2) In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system. A rider may not:~~

~~(A) raise the crop with the rider's wrist above the rider's helmet when using the crop;~~

~~(B) injure the horse with the crop or leave any physical marks, such as welts, bruises, lacerations;~~

~~(C) use the crop on any part of the horse's body other than the shoulders or hindquarters;~~

~~(D) use the crop at any time from paddock to post, or after the finish of the race other than to avoid a dangerous situation or preserve the safety of horses and riders;~~

~~(E) use the crop if the horse has obtained its maximum placing;~~

~~(F) use the crop persistently even though the horse is showing no response;~~

~~(G) use a crop on a two (2) year old horse before April 1st of each year other than to avoid a dangerous situation or preserve the safety of horses and riders; and~~

~~(H) strike another horse or person with the crop.~~

~~(3) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of the association during the meeting, whether in a race or otherwise. In any race in which a jockey will ride without a crop, that fact shall be declared at entry, indicated in the official program, and an announcement of that fact shall be made over the public address system.~~

~~(4) Riding crops shall not be used on two (2) year old horses before April 1 of each year. Licensees who misuse or overuse the riding crop shall be subject to a fine, suspension of their license, or both; penalties for repeat offenses during one (1) race meeting shall be progressive, up to and including license revocation.~~

~~(5) The riding crop shall only be used for safety, correction, and encouragement and be appropriate, proportionate, and professional, taking into account the rules of racing herein. However, stimulus provided by the use of the riding crop shall be monitored so as not to compromise the welfare of the horse.~~

~~(6) Use of the riding crop varies with each particular horse and the circumstances of the race.~~

~~(7) Except for extreme safety reasons, all riders should comply with the following when using the riding crop:~~

~~(A) initially showing the horse the riding crop or tapping the horse with the riding crop down, giving it time to respond before hitting it;~~

~~(B) having used the riding crop, giving the horse a chance to respond before using it again; and~~

~~(C) using the riding crop in rhythm with the horse's stride.~~

~~(8) Allowing the horse a chance to respond can be:~~

~~(A) pausing the use of the riding crop on the horse before resuming again; or~~

~~(B) pushing on the horse with a rein in each hand; or~~

~~(C) showing the horse the riding crop without making contact; or~~

~~(D) moving the riding crop from one (1) hand to the other.~~

~~(9) At the beginning of each race meet, the stewards shall establish a maximum number of successive strikes before the rider must give the horse a minimum number of successive strides.~~

~~(10) (5) Prohibited use of the riding crop includes, but is not limited to, striking a horse:~~

~~(A) on the head, flanks, or any other part of its body other than the shoulders or hindquarters, except when necessary to control a horse;~~

~~(B) during the post parade or after the finish of the race, except when necessary to control the horse;~~

~~(C) excessively;~~

~~(D) when the horse is clearly out of the race or has obtained its maximum placing;~~

~~(E) persistently even though the horse is showing no response under the riding crop;~~

~~(F) causing whip marks, welts, or breaks in the skin; or~~

~~(G) striking another person or horse.~~

(g) After the race, horses will be subject to inspection by an official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.

(h) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

(i) If a horse leaves the racecourse during a race, it shall be disqualified.

(j) The following shall apply to the order of finish:



(1) The official order of finish shall be decided by the stewards with the aid of the photo finish camera and, in the absence of the photo finish film strip, the video replay. The photo finish and video player are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.

(2) The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.

(k) The following shall apply to returning after the finish:

(1) After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount, and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

(2) If a jockey is prevented from riding to the designated unsaddling area because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.

(l) The following shall apply to unsaddling:

(1) Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.

(2) No one shall place a covering over a horse before it is unsaddled.

(m) Weighing in:

(1) A jockey shall weigh in at no less than the same weight at which he/she weighed out and if under that weight, and after consideration of mitigating circumstances by the board of stewards, his/her mount may be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.

(3) A jockey's weight shall include clothing, boots, saddle, and its attachments and any other equipment except the bridle, bit, blinkers, number cloth, and over-girth, reins, and breast collar.

(4) Upon approval of the stewards, the jockeys may be allowed up to three (3) pounds more than published weights to account for inclement weather clothing and equipment.

(5) The post-race weight of jockeys includes any sweat, dirt, and mud that have accumulated on the jockey, jockey's clothing, jockey's safety equipment, and over-girth. This accounts for additional weight, depending on specific equipment, as well as weather, track, and racing conditions.

(n) The following shall apply to dead heats:

(1) When two (2) horses run a dead heat for first place, all purses or prizes to which the first and second horses would have been entitled shall be divided equally between them. This subdivision applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

(2) In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.

(3) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran a dead heat shall be deemed to have run a dead heat for first place.

(4) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

(o) The following shall apply to time trials:

(1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.

(2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the first five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals.

(3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

(4) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat, in which case the order of finish shall also determine the preference in qualifying for the finals. Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying positions, then a draw by public lot shall be conducted as directed by the stewards.

- (5) Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.
- (6) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one one-hundredth (1/100) of one (1) second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, or other conditions.
- (7) Should a malfunction occur with electronic times on any time trials, finalists from that time will then be determined by official hand timing operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time unless one (1) of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time.

(Indiana Horse Racing Commission; [71 IAC 7.5-6-5](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2872, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Oct 6, 2022, 3:34 p.m.: [20221012-IR-071220305ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 8. [71 IAC 8-1-1.5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8-1-1.5](#) Medication**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-2.1](#); [IC 4-31-12](#)

Sec. 1.5. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in [71 IAC 1](#) or ~~[IC 4-31-2](#)~~ [IC 4-31-2.1](#), except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide, as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. The prohibition also includes, but is not limited to, the topical, oral, or nasal administration of compounds, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, potassium iodide, or products containing "caine" derivatives or dimethylsulfoxide (DMSO).

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed **by the horse's free choice** in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock, provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent may be administered at any time prior to a horse's arrival in the paddock.

(Indiana Horse Racing Commission; [71 IAC 8-1-1.5](#); emergency rule filed Apr 3, 2013, 10:37 a.m.:

[20130410-IR-071130133ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed May 7, 2014, 2:24 p.m.: [20140514-IR-071140142ERA](#); readopted filed Oct 7, 2020, 2:27 p.m.: [20201104-IR-071200406RFA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 9. [71 IAC 8-1-7.1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8-1-7.1](#) Multiple medication violations**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign **Substances** or similar state regulatory guidelines, may be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Therapeutic Substance
Class A	N/A	6
Class B	2	4
Class C	1/2 for first violation with an additional 1/2 point for each additional violation within 365 days.	1 for first violation with an additional 1/2 point for each additional violation within 365 days.
Class D	0	0

(b) The points assigned to a medication violation by the judges or commission ruling shall be included in ARCI official database. The ARCI shall record points consistent with subsection (a) when appropriate, a designation that points have been suspended or the medication violation. Points assigned by such regulatory ruling shall reflect in the case of multiple positive tests as described in subsection (d), whether they constitute a single violation. The judges' or commission ruling may be posted on the official website of the commission and within the official database of the ARCI. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the judges or the commission in its determination to subject the trainer to the mandatory enhanced penalties by the judges or the commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the judges or commission may treat each substance as an individual violation for which points will be assigned, depending on the facts and circumstances of the case.

(e) The official ARCI record shall be used to advise the judges or commission of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The judges or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60

9-10.5	90 to 180
11-or more	180 to 360

Multiple medication violation penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (1) has had more than one (1) medication violation for the relevant time period; and
- (2) exceeds the permissible number of points.

(h) The suspension periods in subsection (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The judges' or commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon the judges' or commission's review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(Indiana Horse Racing Commission; [71 IAC 8-1-7.1](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: [20140709-IR-071140251ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 10. [71 IAC 8-6-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 8-6-2](#) Prohibited practices**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 2. (a) The possession or use, or both, of a drug, substance, or medication, specified in subdivisions (1) through (12), on the premises of a facility under the jurisdiction of the commission is prohibited. The following drugs or substances include those for which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoetin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.
- (8) Zilpaterol.
- (9) Aminomidazole carboxamide ribonucleotide (AICAR).
- (10) My-inositol trispyrophosphate (ITPP).
- (11) Equine growth hormone.
- (12) Thymosin beta.

(b) The use of extracorporeal shock wave therapy (ESWT) or radial pulse wave therapy (RPWT) shall not be permitted unless the following conditions are met:

- (1) Any treated horse shall not be permitted to race **or breeze** for a minimum of ten (10) days following treatment and will be placed on the veterinarian's list for ten (10) days.
- (2) A list of horses that have received ESWT treatment within the last ten (10) days shall be posted in the race

office and be accessible to the drivers and horsemen during normal business hours and be made available to other regulatory jurisdictions.

(3) The use of ESWT or RPWT machines shall be limited to practicing veterinarians.

(4) Any ESWT or RPWT machines on the association grounds must be registered with and approved by the commission or its designee before use.

(5) All ESWT or RPWT treatments must be reported to the official veterinarian **and the presiding judge** on the prescribed form not later than the time prescribed by the official veterinarian.

**(6) The trainer shall report all ESWT or RPWT treatments to the official veterinarian and the presiding judge within twenty-four (24) hours of treatment.**

~~(6)~~ (7) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the judge's list.

~~(7)~~ (8) Any person participating in the use of ESWT or RPWT or the possession of ESWT or RPWT machines, or both, in violation of this rule shall be considered to have committed a prohibited practice and is subject to a Class A penalty.

(c) The possession or use, or both, of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" means any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease and any nonfood substance that is intended to affect the structure or function of the animal. The term includes any substance administered by injection, other than vaccines licensed by the United States Department of Agriculture (USDA).

(d) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds described in subsection (e), in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined in [888 IAC 1.1-5-1\(2\)](#).

(e) Notwithstanding subsection (c), veterinarians may possess compounded drugs with the restrictions listed in subdivisions (1) through (4). Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, or creating oral suspensions or injectable solutions as follows:

(1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship.

(2) Compounded drugs may only be made from other FDA approved drugs.

(3) Veterinarians may not possess compounds where there are FDA approved, commercially available drugs that can appropriately treat the horse.

(4) Compounded drugs must be in containers that meet the prescription labeling requirements in subsections (i) and (j).

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

(f) The possession of any drug not approved by the FDA for distribution in the United States is prohibited, unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

(g) Extra-label administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA approved drugs only. Extra-label use must meet the prescription labeling requirements in subsections (i) and (j).

(h) A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of subsection (i) or (j).

(i) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission that have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label, which must include:

(1) recommended or usual dosage;

- (2) route for administration, if it is not for oral use;
- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described in this subsection is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(j) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label that sets forth the following:

- (1) Name and address of the veterinarian.
- (2) Name and address of the client.
- (3) Name of the horse.
- (4) Date of prescription or dispensing of drug, or both.
- (5) Directions for use, including dose and duration directions, and number of refills.
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed.
- (7) For compounded drugs, the established name of each active ingredient.
- (8) Any necessary cautionary statements.

**(k) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:**

- (1) the name of the product;**
- (2) the name, address, and telephone number of the veterinarian prescribing or dispensing the product;**
- (3) the name of each patient (horse) for whom the product is intended or prescribed;**
- (4) the doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product; and**
- (5) the name of the person (trainer) to whom the product was dispensed.**

~~(k)~~ **(l)** The practice, administration, or application of a treatment, procedure, therapy, or method identified in this subsection, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and that may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device.

*(Indiana Horse Racing Commission; [71 IAC 8-6-2](#); emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))*

SECTION 11. [71 IAC 8.5-1-1.5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8.5-1-1.5](#) Medication**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-2.1](#); [IC 4-31-12](#)

Sec. 1.5. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance



as defined in [71 IAC 1-5](#) **71 IAC 1** [[71 IAC 1.5](#)] or [IC 4-31-2](#) **IC 4-31-2.1**, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide, as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. The prohibition also includes, but is not limited to, the topical, oral, or nasal administration of compounds, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, potassium iodide, or products containing "caine" derivatives or dimethylsulfoxide (DMSO).

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed **by the horse's free choice** in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock, provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-1.5](#); emergency rule filed Apr 3, 2013, 10:37 a.m.: [20130410-IR-071130133ERA](#); emergency rule filed May 7, 2014, 2:24 p.m.: [20140514-IR-071140142ERA](#); readopted filed Oct 7, 2020, 2:27 p.m.: [20201104-IR-071200406RFA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 12. [71 IAC 8.5-1-7.1](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8.5-1-7.1](#) Multiple medication violations**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances or similar state regulatory guidelines, may be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Therapeutic Substance
Class A	N/A	6
Class B	2	4
Class C	1/2 for first violation with an additional 1/2 point for each additional violation within 365 days.	1 for first violation with an additional 1/2 point for each additional violation within 365 days.
Class D	0	0

(b) The points assigned to a medication violation by the ~~stewards~~ **judges** or commission ruling shall be included in the ARCI official database. The ARCI shall record points consistent with subsection (a) ~~including~~,

when appropriate, a designation that points have been suspended or the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in subsection (d), whether they constitute a single violation. The ~~stewards'~~ **judges'** or commission ruling may be posted on the official website of the commission and within the official database of the ARCI. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the ~~stewards~~ **judges or the** commission in its determination to subject the trainer to the mandatory enhanced penalties by the ~~stewards judges or the~~ commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the ~~stewards judges or commission~~ may treat each substance as an individual violation for which points will be assigned, depending ~~upon~~ **on** the facts and circumstances of the case.

(e) The official ARCI record shall be used to advise the ~~stewards judges~~ or commission of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The ~~stewards judges~~ or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11-or more	180 to 360

~~Penalties for Multiple medication violations~~ **violation penalties** are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (1) has had more than one (1) medication violation for the relevant time period; and
- (2) exceeds the permissible number of points.

(h) The suspension periods in subsection (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The ~~stewards'~~ **judges'** or commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon the ~~stewards' judges'~~ or commission's review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-7.1](#); emergency rule filed May 7, 2014, 2:27 p.m.:

[20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.:

[20140709-IR-071140251ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#);

emergency rule filed Dec 11, 2020, 4:14 p.m.: [20201223-IR-071200625ERA](#); emergency rule filed Apr 20, 2023,

SECTION 13. [71 IAC 8.5-5-2](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-5-2](#) Prohibited practices**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 2. (a) The possession or use, or both, of a drug, substance, or medication, specified in subdivisions (1) through (12), on the premises of a facility under the jurisdiction of the commission is prohibited. The following drugs or substances include those for which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoetin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.
- (8) Zilpaterol.
- (9) Aminiomidazole carboxamide ribonucleotide (AICAR).
- (10) My-inositol trispyrophosphate (ITPP).
- (11) Equine growth hormone.
- (12) Thymosin beta.

(b) The use of extracorporeal shock wave therapy (ESWT) or radial pulse wave therapy (RPWT) shall not be permitted unless the following conditions are met:

- (1) Any treated horse shall not be permitted to race or breeze for a minimum of ten (10) days following treatment and will be placed on the veterinarian's list for ten (10) days.
- (2) A list of horses that have received ESWT treatment within the last ten (10) days shall be posted in the race office and be accessible to the jockeys, their agents, and horsemen during normal business hours and be made available to other regulatory jurisdictions.
- (3) The use of ESWT or RPWT machines shall be limited to practicing veterinarians.
- (4) Any ESWT or RPWT machines on the association grounds must be registered with and approved by the commission or its designee before use.
- (5) All ESWT or RPWT treatments must be reported to the official veterinarian **and the stewards** on the prescribed form not later than the time prescribed by the official veterinarian.
- (6) The trainer shall report all ESWT or RPWT treatments to the official veterinarian and the stewards within twenty-four (24) hours of treatment.**
- ~~(6)~~ **(7)** A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the steward's list.
- ~~(7)~~ **(8)** Any person participating in the use of ESWT or RPWT or the possession of ESWT or RPWT machines, or both, in violation of this rule shall be considered to have committed a prohibited practice and is subject to a Class A penalty.

(c) The possession or use, or both, of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" means any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease and any nonfood substance that is intended to affect the structure or function of the animal. The term includes any substance administered by injection, other than vaccines licensed by the United States Department of Agriculture (USDA).

(d) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds described in subsection (e), in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined in [888 IAC 1.1-5-1](#)(2).

(e) Notwithstanding subsection (c), veterinarians may possess compounded drugs with the restrictions listed in subdivisions (1) through (4). Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, or creating oral suspensions or injectable solutions as follows:

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship.
- (2) Compounded drugs may only be made from other FDA approved drugs.
- (3) Veterinarians may not possess compounds where there are FDA approved, commercially available drugs that can appropriately treat the horse.
- (4) Compounded drugs must be in containers that meet the prescription labeling requirements in subsections (i) and (j).

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

(f) The possession of any drug not approved by the FDA for distribution in the United States is prohibited, unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

(g) Extra-label administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA approved drugs only. Extra-label use must meet the prescription labeling requirements in subsections (i) and (j).

(h) A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of subsection (i) or (j).

(i) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission that have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label, which must include:

- (1) recommended or usual dosage;
- (2) route for administration, if it is not for oral use;
- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described in this subsection is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(j) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label that sets forth the following:

- (1) Name and address of the veterinarian.
- (2) Name and address of the client.
- (3) Name of the horse.
- (4) Date of prescription or dispensing of drug, or both.
- (5) Directions for use, including dose and duration directions, and number of refills.
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed.
- (7) For compounded drugs, the established name of each active ingredient.
- (8) Any necessary cautionary statements.

**(k) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:**

- (1) the name of the product;**
- (2) the name, address, and telephone number of the veterinarian prescribing or dispensing the**

product;

(3) the name of each patient (horse) for whom the product is intended or prescribed;

(4) the doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product; and

(5) the name of the person (trainer) to whom the product was dispensed.

(~~(k)~~) (I) The practice, administration, or application of a treatment, procedure, therapy, or method identified in this subsection, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and that may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device.

(Indiana Horse Racing Commission; [71 IAC 8.5-5-2](#); emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2226; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#); emergency rule filed Dec 11, 2020, 4:14 p.m.: [20201223-IR-071200625ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

SECTION 14. [71 IAC 14.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

#### [71 IAC 14.5-3-2](#) Breeder award

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) A breeder award is the award paid to the breeder of a registered Indiana bred quarter horse that places first, second, or third in any race, except claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack located in Indiana.

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the foal application. It is the responsibility of the designated recipient to distribute these monies to the remaining breeders.

(c) For Indiana bred races, the amount of the award is ~~twelve and one-half~~ **seventeen and one-half** percent (~~12.5%~~) (**17.5%**) of the gross purse, and distribution is:

- (1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);
- (2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and
- (3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

(d) For open overnight races and open stakes, the amount of the award is ~~twelve and one-half~~ **seventeen and one-half** percent (~~12.5%~~) (**17.5%**) of the gross purse, and distribution is:

- (1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);
- (2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and
- (3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

(e) Awards will be paid by the commission.

(f) For breeder awards earned January 1, 2013, and thereafter, the recipient is the owner of the dam at the time of the dam's registration with the breed development program.

(Indiana Horse Racing Commission; [71 IAC 14.5-3-2](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; errata filed Feb 9, 2001, 3:38 p.m.: 24 IR 2091; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency

rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: [20080305-IR-071080056ACA](#); emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#); emergency rule filed Feb 3, 2017, 2:24 p.m.: [20170208-IR-071170051ERA](#); emergency rule filed Jun 1, 2020, 1:57 p.m.: [20200610-IR-071200295ERA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Mar 3, 2022, 3:55 p.m.: [20220316-IR-071220070ERA](#); emergency rule filed Apr 20, 2023, 3:09 p.m.: [20230426-IR-071230297ERA](#))

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